

## CCRB INVESTIGATIVE RECOMMENDATION

|  |                                     |                           |  |   |                                 |
|--|-------------------------------------|---------------------------|--|---|---------------------------------|
| Investigator:<br>Caroline Moses                  | Team:<br>Squad #13                  | CCRB Case #:<br>201908928 | <input type="checkbox"/> Force                         | <input checked="" type="checkbox"/> Discourt. | <input type="checkbox"/> U.S.   |
|  |                                     |                           | <input type="checkbox"/> Abuse                         | <input checked="" type="checkbox"/> O.L.      | <input type="checkbox"/> Injury |
| Incident Date(s)<br>Friday, 10/04/2019 11:00 PM  | Location of Incident:<br>§ 87(2)(b) | Precinct:<br>19           | 18 Mo. SOL<br>4/4/2021                                 | EO SOL<br>11/19/2021                          |                                 |
| Date/Time CV Reported<br>Sat, 10/05/2019 7:30 AM | CV Reported At:<br>IAB              | How CV Reported:<br>Phone | Date/Time Received at CCRB<br>Thu, 10/10/2019 11:05 AM |   |                                 |

| Complainant/Victim | Type       | Home Address |
|--------------------|------------|--------------|
| § 87(2)(b)         | § 87(2)(b) | § 87(2)(b)   |
| § 87(2)(b)         | § 87(2)(b) | § 87(2)(b)   |

| Subject Officer(s)    | Shield | TaxID  | Command |
|-----------------------|--------|--------|---------|
| 1. POF Xiomara Medina | 12409  | 953093 | 019 PCT |
| 2. SGT Elias Blunt    | 00444  | 940971 | 019 PCT |

| Officer(s)            | Allegation  | Investigator Recommendation |
|-----------------------|---|-----------------------------|
| A.POF Xiomara Medina  | Discourtesy: Police Officer Xiomara Medina spoke discourteously to § 87(2)(b)                               | § 87(2)(g)                  |
| B.POF Xiomara Medina  | Off. Language: Police Officer Xiomara Medina made remarks to § 87(2)(b) based upon race.                    | § 87(2)(g)                  |
| C.POF Xiomara Medina  | Off. Language: Police Officer Xiomara Medina made remarks to § 87(2)(b) based upon the gender of § 87(2)(b) | § 87(2)(g)                  |
| § 87(4-b), § 87(2)(g) | § 87(4-b), § 87(2)(g)   | § 87(2)(g), § 87(4-b)       |
| § 87(4-b), § 87(2)(g) | § 87(4-b), § 87(2)(g)   | § 87(2)(g), § 87(4-b)       |

### Case Summary

On October 5, 2019, § 87(2)(b) called IAB and filed this complaint on behalf of his acquaintance § 87(2)(b).

On October 4, 2019, at around 11 p.m., § 87(2)(b) and § 87(2)(b) were crossing the street at the corner of East 78<sup>th</sup> Street and 2<sup>nd</sup> Avenue in Manhattan, when a black unmarked police car stopped at the crosswalk. Police Officer Xiomara Medina of the 19<sup>th</sup> Precinct leaned her head out the window and yelled, “Fucking Spanish bitch,” at § 87(2)(b) (**Allegation A: Discourtesy, § 87(2)(g)**; **Allegations B and C: Offensive Language, § 87(2)(g)**). PO Medina continued yelling profanity at § 87(2)(b) as she drove away (**within Allegation A**). No arrests or summonses resulted from this incident.

There is no known video evidence in this case.

### Findings and Recommendations

**Allegation (A) Discourtesy: Police Officer Xiomara Medina spoke discourteously to § 87(2)(b).**

**Allegation (B) Offensive Language: Police Officer Xiomara Medina made remarks to § 87(2)(b) based upon race.**

**Allegation (C) Offensive Language: Police Officer Xiomara Medina made remarks to § 87(2)(b) based upon the gender of § 87(2)(b).**

§ 87(2)(b) said he and § 87(2)(b) had left a nearby restaurant and were walking to his car, when, at the § 87(2)(b) a black Ford Taurus Sho, which § 87(2)(b) recognized as a police car because he could see antennas and blue light from inside the car, pulled up to the intersection driving eastbound (**Board Review 01**). He and § 87(2)(b) were walking northbound and crossing against the light. PO Medina, § 87(2)(g) opened the door to the police car, leaned out of the door, and yelled at § 87(2)(b) for 30 to 60 seconds. § 87(2)(b) description of PO Medina’s exact words varied throughout his CCRB interview, but he stated that she said the words “fuck” or “fucking” at least five times, said “bitch” approximately three times, said “cunt” once, and said “whore” and “fucking Spanish bitch” at some point during the incident. § 87(2)(b) also said PO Medina repeatedly referred to § 87(2)(b) as “Spanish” throughout the interaction and yelled at her to get out of the crosswalk repeatedly. Sgt. Elias Blunt, also of the 19<sup>th</sup> Precinct, was in the car and said nothing, but held PO Medina back to prevent her from getting out of the car. § 87(2)(b) Bossi, Jr. and § 87(2)(b) crossed the street and the car drove off.

§ 87(2)(b), § 87(2)(g) however she stated that the light was green when they started crossing the street and PO Medina turned on the car’s lights and sirens and asked § 87(2)(b) “Didn’t you see the lights?” (**Board Review 03**). PO Medina leaned her head out of the window and yelled many profanities. § 87(2)(b) could not remember the exact words PO Medina used but remembered her saying, “fucking Spanish.” § 87(2)(b) did not see another officer in the car. PO Medina continued yelling at § 87(2)(b) as she drove away.

PO Medina and Sgt. Blunt both denied being involved in this incident (**Board Review 04-05**). They both acknowledged patrolling within the confines of the 19<sup>th</sup> Precinct together in an unmarked black sedan on the night of the incident. PO Medina said she did not recall being near the incident location during her tour, though she acknowledged that it falls within the confines of the 19<sup>th</sup> Precinct. Sgt. Blunt said there may have been a third officer in the car, but neither of their memo books lists a third partner, nor does the 19<sup>th</sup> Precinct Roll Call list a third officer assigned to work with them (**Board Review 06**). Neither recalled PO Medina speaking discourteously or offensively

to § 87(2)(b)

The AVL report for PO Medina and Sgt. Blunt's vehicle confirms that they were in the immediate vicinity of the incident location around the time of the incident, (**Board Review 13**) and their physical descriptions are consistent with the civilian-provided descriptions (**Board Review 02**). PO Medina has therefore been identified as the subject officer, despite the officers' lack of recall of this incident.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(g), § 87(4-b)

#### Civilian and Officer CCRB Histories

- This is the first complaint in which § 87(2)(b) and § 87(2)(b) are parties (**Board Review 07 and 08**).
- PO Medina has been a member of service for seven years and has been a subject in one CCRB complaint and one allegation, which has not been substantiated. § 87(2)(g)
- Sgt. Blunt has been a member of service for 14 years and has been the subject in two CCRB complaints and three allegations, none of which were substantiated. § 87(2)(g)

#### Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- As of January 21, 2020, no Notice of Claim was filed by § 87(2)(b) or § 87(2)(b) with the New York City Office of the Comptroller regarding this incident (**Board Review 09**)
- § 87(2)(b)
- § 87(2)(b)

Squad No.: \_\_\_\_\_

|               |           |                    |       |
|---------------|-----------|--------------------|-------|
| Investigator: | _____     | _____              | _____ |
|               | Signature | Print Title & Name | Date  |

|               |           |                    |       |
|---------------|-----------|--------------------|-------|
| Squad Leader: | _____     | _____              | _____ |
|               | Signature | Print Title & Name | Date  |

|           |           |                    |       |
|-----------|-----------|--------------------|-------|
| Reviewer: | _____     | _____              | _____ |
|           | Signature | Print Title & Name | Date  |